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COMMITTEE ON THE RIGHTS OF THE CHILD

Fourteenth session

SUMMARY RECORD OF THE 357th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 15 January 1997, at 10 a.m.

Chairperson: Mrs. BELEMBAOGO

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Myanmar

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Myanmar [CRC/C/8/Add.9; CRC/C/Q/Mya.1 (List of issues to be taken up in connection with the consideration of the initial report of Myanmar); written replies to questions raised in the list of issues (document with no symbol distributed in the meeting room)]

1. At the invitation of the Chairperson, U Maung Kyi, U Aye, U Than Po, U Wan Maung, U Sann Maung, Daw Than Than Zin, U Nyunt Swe, U Hla Bu, Daw Nyo Nyo, U Win Naing, U Denzil Abel and U Linn Myaing (Myanmar) took a place at the Committee table.

2. The CHAIRPERSON welcomed the delegation of Myanmar on behalf of the Committee and invited it to introduce the initial report of Myanmar (CRC/C/8/Add.9).

3. U MAUNG KYI (Myanmar) said that the delegation of Myanmar, composed of representatives from the various ministries and organizations responsible for looking after the welfare of children, hoped that the dialogue with the Committee would be constructive and effective and would try to respond to any queries from the Committee.

4. In order to implement the provisions of the Convention, to which it became a party on 15 August 1991, Myanmar had promulgated the Child Law in July 1993 and had set up a National Committee on the Rights of the Child, as well as regional and local committees. Juvenile courts had also been established within Yangon division. Judges with the same powers as juvenile judges had been appointed in townships where juvenile courts had not yet been established. A programme of action was being implemented by the Departments of Health, Basic Education and Social Welfare, with close collaboration from UNICEF. Measures had also been taken to involve the whole community in the implementation of the Convention. The Department of Social Welfare had organized training classes, workshops and discussions throughout the country, and a national seminar on the Convention had been held recently. Representatives from Myanmar had also participated in seminars and workshops on the Convention organized in neighbouring countries.

5. In the culture of Myanmar, parents bore primary responsibility for the development of children. Monks and teachers were considered as moral and ethical models, and there was no discrimination between sons and daughters, both being referred to frequently as "precious jewels". The people of Myanmar were deeply religious, and religion placed on parents a duty to restrain children from vice, exhort them to virtue, train them for a profession, provide for a suitable marriage and hand over an inheritance at the appropriate time.

6. The basic unit of society was the extended family, whose members were united by very strong links of solidarity; that was why there were very few street children in Myanmar. Community solidarity in neighbourhoods and

villages also helped to keep delinquency in check. Parents who so wished could commit their children to the care of monks in monasteries, where they were taught not only to read and write but also moral values.

7. In the economic sphere, the Government and the people of Myanmar were striving to build a peaceful, prosperous and modern nation. The Government gave priority to economic development in order to raise the standard of living for the people and thus assure that the basic needs of children would be met, whether in education, health or nutrition.

8. At the political level, the Government was striving to ensure harmonious coexistence among the 135 races in the Union. Specifically, it gave priority to the development of border areas, where many of those races lived. In that regard, children living in those remote regions could become the target of traffickers, and to forestall that the Government was building schools, hospitals, roads and bridges, providing for vocational training, literacy programmes and HIV/AIDS education and strengthening border controls.

9. In conclusion, he assured the Committee that, despite the limited resources available to it, the Government of Myanmar was striving to do its utmost to better the situation of children in the country.

10. The CHAIRPERSON thanked the head of the delegation of Myanmar for his presentation and invited the members of the Committee to pose questions of a general nature.

11. Mr. HAMMARBERG pointed out that, other than the Convention on the Rights of the Child, Myanmar had not ratified any of the main human rights instruments, noting that the Government planned to remedy that state of affairs after the new constitution had been adopted. Meanwhile, perhaps, the Government could contact the various committees overseeing the application of those instruments and further facilitate the work of the Special Rapporteur on the situation of human rights in Myanmar in particular. In view of the high infant mortality rate, maternal death rate and school drop-out rate, it would be interesting to learn what proportion of its budget the State allocated to children as compared with the share earmarked for defence.

12. Mr. MOMBESHORA asked what measures were being taken to lessen the potential adverse effects on children of the economic policy being pursued by the Government, and what international instruments Myanmar planned to ratify.

13. Mrs. BADRAN asked whether studies were being carried out to assess the impact of economic policy on the most vulnerable sectors of the population, whether statistics existed on the breakdown of social expenditure by age groups and regions, whether NGOs dealing with children existed, and, if so, whether they cooperated with the Government, and, lastly, whether the National Committee on the Rights of the Child had available to it the material and human resources - particularly in the form of a secretariat - needed to coordinate the activities of the regional and local committees.

14. Mrs. EUFEMIO wished to know whether NGOs were engaged in the promotion of civil rights and preparing future parents for their parental responsibilities, whether NGOs' sphere of activities extended over the entire country, what machinery NGOs used to coordinate their activities and whether they received support from the Government.

15. It would also be useful to have further information on the numbers of social workers, doctors, nurses and teachers per head of population and on training received by people working in those categories in the area of the rights of the child. The delegation of Myanmar might also indicate what training was received by the volunteers mentioned in the report, what working relationships they had with the NGOs and public bodies and whether the results of their activities had been evaluated.

16. Mrs. SANTOS PAIS welcomed the efforts made by the Government to bring national legislation into line with the Convention, and the establishment of a National Committee to oversee the application of the Convention. She also noted with satisfaction that Myanmar had withdrawn the reservations it had made concerning some of the provisions of the Convention.

17. It would be interesting to know to what extent the State budget reflected the transition to a "new democratic nation" referred to in paragraph 124 of the report, and to have further information on the results obtained from the application of the national plan of action, specifically in remote areas and border regions, and, more generally, whether measures to foster the rights of the child had been taken to the fullest extent permitted by the resources available to Myanmar.

18. As regards information and training in relation to the Convention, it was encouraging that Myanmar had participated in several seminars or symposia on the subject, but she sought concrete information on the activities carried out to train teachers, members of the armed forces and law enforcement officials. How many courses were organized, how frequently and with what content? She also wished to know whether the text of the Convention was disseminated in all the languages of the ethnic groups, and whether there were plans to publish it in simplified form understandable to children. Would the report by the State party and the Committee's concluding observations be translated and disseminated in Myanmar?

19. Lastly, concerning NGO activities, to which Mrs. Eufemio had already referred, she wished to know whether, in addition to the NGOs enumerated on the list attached to the written replies, which had clear links with the government authorities, international or local NGOs enjoyed freedom of action in contributing to the application of the Convention.

20. Mrs. SARDENBERG said she thought the delegation's replies were a little too brief. Firstly, in general terms, it would be interesting to know how the Convention was perceived and how its application was viewed by the Government of Myanmar in the context of the process on which it had embarked to foster development, the promotion of human rights and the transition to democracy. The question of NGO participation in activities to benefit children had also been mentioned in the report and in the delegation's replies, and reference had been made to the establishment of the National Committee on the Rights of

the Child. But did the Government of Myanmar do its utmost to ensure that communities participated in the activities of the Committee? Were the activities of NGOs and the Committee evaluated? It would also be interesting to have further information on measures taken recently to publicize the Convention, as mention had been made only of initiatives taken immediately after ratification. Lastly, she wished to know whether the annual celebration of Children's Day had been set on 13 February simply because that date marked the birthday of the country's leader, General Aung San (para. 20 of the report), and what was the link between those celebrations and the practical application of the Convention.

21. Mrs. KARP said that in its report and its replies, the State party had described the legal framework governing the rights of the child and clearly outlined the difficulties it faced, but that the information concerning the actual application of the rights of the child in Myanmar was inadequate. One could not help wondering how the Convention could be applied in a country where respect for and the promotion of human rights in general were not yet fully assured. It was vital to emphasize that fundamental rights were indivisible and that it was not acceptable to set certain rights above others. What, then, was the status of legislation relating to the rights of the child vis-à-vis legislation in other areas, in particular the Citizenship Law, which drew a distinction between different categories of citizens, as well as laws on illegal associations, censorship, etc.?

22. She also sought information concerning the actual authority of the National Committee and the regional and local committees on the rights of the child. Did those bodies enjoy decision-making powers and financial resources? What was their relationship with the local offices of the State Law and Order Restoration Council (SLORC)? Lastly, since, according to the list of NGOs attached to the written replies, many such organizations had yet to receive official recognition, what criteria had to be met to obtain NGO status in Myanmar, and what were the differences between the organizations which had yet to obtain such status and the others?

23. Miss MASON said that she was still concerned at the situation of children in Myanmar, despite the information supplied by the delegation. In view of the highly diverse population of the country, which was composed of 135 ethnic groups, there was a need first of all to provide a better explanation of the provisions of the Citizenship Law, which drew a distinction between full citizens, associate citizens and naturalized citizens, indicating to what extent individuals in the different categories could use their own language and enjoy equal treatment. Without such prior explanations, she found it very difficult to understand how the realization of the rights of the child was guaranteed in Myanmar.

24. Article 41 of the Convention provided that nothing in the Convention should affect any provisions which were more conducive to the realization of the rights of the child and which might be contained in the law of a State party or international law in force for that State. It was true that a Child Law had been adopted in Myanmar, but the authorities did not appear to have modified other domestic legislation relating to the rights of the child. She therefore wondered whether conflicts arose in that regard, and if so whether it was the Child Law or other domestic legislation that prevailed. Lastly,

she wished to know whether children had had an opportunity to participate in the seminars and other Convention-related meetings organized in Myanmar and whether they had been able to make their opinions known.

The meeting was suspended at 11.15 a.m. and resumed at 11.25 a.m.

25. U AYE (Myanmar), replying in the first place to Mr. Hammarberg's questions, said that it was true that his country had not acceded to any international human rights instruments other than the Convention. With specific regard to the International Covenant on Civil and Political Rights, the United Nations High Commissioner for Human Rights, Mr. Ayala Lasso, had brought up the question with representatives of Myanmar on many occasions. However, the delegation wished to point out that the Convention on the Rights of the Child was of cardinal importance because children constituted the country's future. For the moment, the authorities were working to establish a domestic legal framework, but when the time was ripe the issue of Myanmar's accession to the International Covenant on Civil and Political Rights would be addressed. It should also be noted that Myanmar was a member of WTO, the Conference on Disarmament and UNCTAD, and party to several other international instruments (on narcotic drugs, environmental protection, the nuclear test ban, etc.), which were of vital importance for mankind as a whole, including children. However, the Government was aware of the priority enjoyed by international human rights instruments.

26. In relation to the dialogue between the Myanmar authorities and representatives of the United Nations Secretary-General, it should be noted that talks had been held on a number of occasions in Myanmar, in Bangkok or at the United Nations, and that the State party intended to continue the process. Turning to the conclusions of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar and the resolution on Myanmar adopted by the Commission in 1996, he emphasized that his Government wished to improve the situation, but that it had been unable to accept certain aspects of the resolution in question. However, it had always made clear its wish to cooperate with the special rapporteurs and other United Nations institutions, and intended to continue such cooperation.

27. Turning to the question of budgetary resources, he pointed out that each Ministry in Myanmar had its own programme featuring measures of benefit to children, even if no budget allocations were specifically earmarked for children. According to data provided by the national statistical office, the budget for primary education (including monastic schools) for 1996-1997 was around 38.3 billion kyats (US$ 1 = 6 kyats). Teaching staff numbered 191,942 and pupils or students 6,226,000. Detailed statistics would be communicated to the Committee by the statistical office in due course.

28. In response to the question relating to the economic changes that had occurred in the country, he said that Myanmar was a country in transition towards democracy, moving from a single-party socialist State with centralized economic planning towards a pluralistic State with a market economy. The gap between rich and poor was constantly widening, and families in the remotest areas were the worst hit. The new Government had not yet achieved concrete results in those disadvantaged areas, but substantial sums had been allocated to combat poverty. Measures were also being taken to combat rebel movements

operating in those areas, and against drug traffickers. He added that the defence budget was not, as alleged, 150 times the size of the education and health budget, promising to furnish further details on the matter.

29. NGOs in Myanmar working in the field of the rights of the child were independent of the Government - examples were "Médecins du monde" and "Médecins sans frontières". The NGOs contacted the various ministries, particularly the Ministry of Social Planning, and implemented joint programmes. However, the Government endeavoured to avoid cooperating with NGOs engaged in political propaganda. All NGOs active in Myanmar had to be registered with the Government.

30. The CHAIRPERSON requested the delegation of Myanmar to reply to the specific questions that had been asked concerning the activities of the National Committee on the Rights of the Child. Did the Committee have a permanent secretariat and adequate financial and human resources?

31. U THAN PO (Myanmar) said that, under the direction and supervision of the National Committee on the Rights of the Child, 14 committees had been set up at State level and 56 at regional and district level to ensure the realization of the rights of the child. There were also plans to set up similar committees at the commune level. The main functions of the committees were to protect the rights of children and to apply the Child Law at the appropriate level. The National Committee on the Rights of the Child regularly held coordination meetings and reported to the Government on work carried out and decisions taken to enable the Government to decide on further action.

32. Local NGOs participated in activities to promote the rights of children, but participation by international NGOs such as Save the Children was at a very low level. Consequently, all proposals for technical assistance, assistance in training and resource inputs were welcome. UNICEF provided assistance which was very valuable, but limited (2 per cent of requirements where schools were concerned). Hence the Government encouraged NGOs and voluntary organizations to help the country to reach the targets set in the Convention on the Rights of the Child. In putting into effect the national plan of action drawn up in cooperation with UNICEF, the authorities ran up against a lack of resources, skilled personnel and technical assistance. A national committee for women's issues had been set up, and preparations were being made together with all ministries concerned for the ratification of the Convention on the Elimination of All Forms of Discrimination against Women.

33. Daw THAN THAN ZIN (Myanmar), replying to Mrs. Sardenberg, confirmed that Children's Day was celebrated on 13 January each year because it was the birthday of the former Head of State.

34. Mr. HAMMARBERG emphasized that it was vitally important for the Myanmar authorities to cooperate unreservedly with the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar, and hoped that in future the Special Rapporteur would not be prevented from visiting the country. He also regretted that there were so few international NGOs active in Myanmar, which pointed to the difficulties they experienced there. As for national NGOs, he noted that they fell into two categories -

those which maintained close links with the authorities and could participate in various governmental programmes, and the others, whose activities were limited as a result of certain restrictions on the exercise of civil and political rights. Was greater relaxation planned in that field?

35. Mrs. SANTOS PAIS welcomed the fact that the Convention was the first human rights instrument ratified by Myanmar, but pointed out that the Convention acquired its full force only within the context of a global approach to human rights. Hence it was vital that the authorities should cooperate with the Representatives of the Secretary-General and the Special Rapporteur on the situation of human rights in Myanmar, who were partners of the Committee in its work. Furthermore, while the adoption of the Child Law constituted an initial step, it was regrettable that the Law did not fully reflect the provisions of the Convention, particularly in the areas of citizenship and freedom of association.

36. Referring to the various sections of the budget, she noted that 12 per cent of the country's budget was still earmarked for military expenditure, whereas the sectors of health, education and social welfare accounted for only 2 per cent, 5 per cent and 0.2 per cent of the total. Why was the military budget so high in a country where the internal situation was supposed to have been stabilized? If the Myanmar authorities so wished, the Committee could encourage international NGOs to work for the application of the Convention in the country, for example through training courses for law enforcement officials. Lastly, she requested a precise response to the question which had been raised concerning translation of the Convention into the different languages of Myanmar, its dissemination in the various regions of the country and its publication in a simplified version which was accessible to children.

37. Mr. MOMBESHORA sought additional information on the practical results of the application of the Convention, suggesting that, when the various programmes were being drawn up, the authorities should seek to limit any possible adverse impact those programmes might have in that area. He also drew attention to the importance of participation by children and young people in the activities of the various government bodies responsible for implementing the Convention.

38. Mr. KOLOSOV asked what measures had been taken to reduce any possible adverse effects on children of the period of political transition through which the country was currently passing. In his view it was vital that all legislative, administrative and financial decisions taken by governments should be analysed in terms of their possible impact on the most underpriviledged groups in the population. He also asked for further information on the reasons for the lack of technical assistance, which the delegation had referred to.

39. Mrs. BADRAN wished to know the precise duties of the National Committee on the Rights of the Child. On the subject of NGO participation, she expressed the wish that the authorities should not confine themselves to authorizing the presence of international NGOs in Myanmar, but should encourage their activities. At the same time, local NGOs could play a very important role by facilitating participation in public life by minorities and

ethnic groups. She also emphasized the need for precise annual planning of resources earmarked for child-related services, adding that in that area the Myanmar authorities could benefit from international assistance, particularly from UNICEF.

40. Mrs. SARDENBERG welcomed the Myanmar Government's intention to ratify the Convention on the Elimination of All Forms of Discrimination against Women. The application of the Convention, together with that of the Convention on the Rights of the Child, would enable a comprehensive approach to be taken to the problems of the family. As Myanmar was on the path towards democratic government, she wondered whether it would not be preferable for the holding of Children's Day to be tied to a less personal event than the former Head of State's birthday - perhaps a more relevant date in the field of children's rights, such as the date when Myanmar ratified the Convention.

The meeting rose at 1.05 p.m.